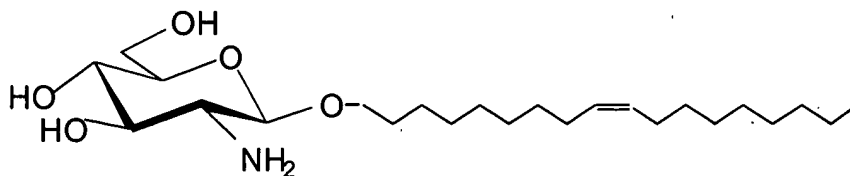


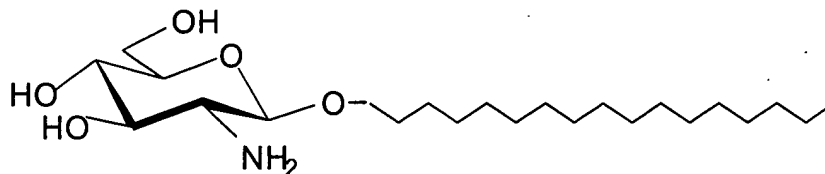
8. (Amended) The compound of claim [6] 1 having the structure set forth in formula (III):

(III)



9. (Amended) The compound of claim [6] 1 having the structure set forth in formula (IV):

(IV)



REMARKS

Applicant has amended the claims in order to expedite prosecution and advance the case towards issuance. These amendments add no new matter, are fully supported by the application as filed, and should not be construed as limiting the appropriate scope of protection provided by the doctrine of equivalents.

Applicant responds below in detail to each of the objections and/or rejections set forth in the non-final Office Action of July 20, 1999.

I. THE SECTION 112 REJECTION:

Claims 1-9 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite.

In particular, the Examiner states that R₆ is unclear in claims 1 and 2 when R₆ = methyl and the methyl is not a terminal methyl group. The Examiner also states that in claim 2 it is unclear whether the provisions set forth on lines 5-10 at page 84 are to be assessed with n, m, or R₆, individually or collectively.

Applicant respectfully traverses to the extent the rejection may be held to apply to the claims as amended. In order to expedite prosecution and advance the case towards issuance, Applicant has amended claims 1 and the former language of claim 2 (now incorporated into claim 1) to delete "methyl" from the recited Markush group of possibilities for R₆. Thus, this issue is now moot.

With respect to the proviso language, Applicant believes the Examiner's concern is with the language on page 84, lines 2-13, which stated:

wherein said R₁ and R₁' are independently selected from the group consisting of hydrogen, -OH, -OCH₃, -alkyl, -O-alkyl, -O-C(O)-alkyl, -O-CH₂-CH₂(O-C(O)-R₆)-CH₂(O-C(O)-R₇), -O-CH₂-CH₂(OR₆)-CH₂(OR₇), -O-CH₂-CH₂(R₆)-CH₂(R₇), -O-(CH₂)_m-cholesterol, polyethylene glycol, -O-(CH₂)_n-N(R₈)₃, -NH₂, -N⁺(CH₃)₃, -(CH₂)_n-N(R₉)₃, and -(CH₂)-OR₁₀, wherein R₆, R₇, R₈, R₉, and R₁₀ are independently selected from the group consisting of hydrogen, methyl, and alkyl, and wherein m is selected from the group consisting of 0, 1, 2, 3, 4, and 5, and wherein n is selected from the group consisting of 1, 2, 3, 4, and 5;

This language is clear and definite. It sets forth various possibilities for R₁ and R₁'. Three of the possibilities include R₆:

-O-CH₂-CH₂(O-C(O)-R₆)-CH₂(O-C(O)-R₇),

-O-CH₂-CH₂(OR₆)-CH₂(OR₇), and

-O-CH₂-CH₂(R₆)-CH₂(R₇). The claim, as amended, defines R₆ as hydrogen. Other possibilities for R₁ and R₁' include the variables n (-O-(CH₂)_n-N(R₈)₃, and -N⁺(CH₃)₃, -(CH₂)_n-N(R₉)₃) or m (-O-(CH₂)_m-cholesterol). Both n and m are defined respectively as 1, 2, 3, 4, or 5 and 0, 1, 2, 3, 4, or 5. Applicant does not understand what possible alternative meanings the Examiner could ascribe to the amended claim or the claim language quoted above. In no instance is there any inconsistency created by the possible variables and Applicant does not understand what difference it makes whether the provisions are said to be assessed individually or collectively.

In view of the above, Applicant respectfully requests that the Examiner reconsider and withdraw this rejection.

II. THE SECTION 103 REJECTION:

Claims 1-5 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by *Chemical Abstracts* Vol. 64, 17696f, 18009a, 19745g, and Vol. 65, pp. 3944f, 7258g, 15476f, 15481b and 20203f.

In order to expedite prosecution and advance the case towards issuance, Applicant has amended claim 1 to include the limitations of former claims 2-6. Thus, in essence, Applicant has rewritten claim 6 in independent form. As former claim 6 was not subject to the above rejection, this issue is now moot. In view of the above, Applicant respectfully requests that the Examiner reconsider and withdraw the above rejection.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and requires that the application be allowed and passed to issue.

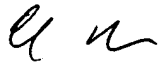
Pursuant to 37 C.F.R. § 1.136, applicant hereby petitions for a three-month extension of time to take action in response to the Office Action mailed July 20, 1999. This extension of time is effective to allow timely filing of a response up to and including January 20, 2000.

A check in the amount of **\$870.00** is enclosed to over the extension fee. If this fee is incorrect, please charge or credit our Deposit Account No. 12-2475 for the appropriate amount.

Respectfully submitted,

LYON & LYON LLP

Dated: January 20, 2000

By 
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